

HOUSE AMENDMENT NO.____
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Offered By

AMEND House Amendment No.____ to House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 1, Line 1, by deleting "Page 39" and inserting in lieu thereof "Page 19"; and

Further amend said amendment and page, Line 2, by deleting all of said line and inserting in lieu thereof the following:

"Section 190.147, Line 20, by inserting "and in compliance with section 632.305" after the word "transport"; and

Further amend said bill, section, and page, Line 26, by inserting "in compliance with section 632.305," after the word "manner"; and

Further amend said bill, section, and page, Line 31, by inserting "and in compliance with section 632.305," after the word "section"; and

Further amend said bill, Page 39, Section 190.939, Line 5, by inserting after all of said section and line the following:"; and

Further amend said amendment, Page 2, Line 38, by inserting the following after all of said line:

"Further amend said bill, Page 49, Section 353.110, Line 88, by inserting the following after all of said section and line:

"632.305. 1. An application for detention for evaluation and treatment may be executed by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, on a form provided by the court for such purpose, and must allege under oath that the applicant has reason to believe that the respondent is suffering from a mental disorder and presents a likelihood of serious harm to himself or to others. The application must specify the factual information on which such belief is based and should contain the names and addresses of all persons known to the applicant who have knowledge of such facts through personal observation.

2. The filing of a written application in court by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, shall authorize the

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1 applicant to bring the matter before the court on an ex parte basis to determine whether the
2 respondent should be taken into custody and transported to a mental health facility. The application
3 may be filed in the court having probate jurisdiction in any county where the respondent may be
4 found. If the court finds that there is probable cause, either upon testimony under oath or upon a
5 review of affidavits, to believe that the respondent may be suffering from a mental disorder and
6 presents a likelihood of serious harm to himself or others, it shall direct a peace officer or EMT-P, as
7 defined in section 90.100, to take the respondent into custody and transport him to a mental health
8 facility for detention for evaluation and treatment for a period not to exceed ninety-six hours unless
9 further detention and treatment is authorized pursuant to this chapter. Nothing herein shall be
10 construed to prohibit the court, in the exercise of its discretion, from giving the respondent an
11 opportunity to be heard.

12 3. A mental health coordinator may request a peace officer or EMT-P to take or a peace
13 officer or EMT-P may take a person into custody for detention for evaluation and treatment for a
14 period not to exceed ninety-six hours only when such mental health coordinator or peace officer or
15 EMT-P has reasonable cause to believe that such person is suffering from a mental disorder and that
16 the likelihood of serious harm by such person to himself or others is imminent unless such person is
17 immediately taken into custody. Upon arrival at the mental health facility, the peace officer or
18 EMT-P or mental health coordinator who conveyed such person or caused him to be conveyed shall
19 either present the application for detention for evaluation and treatment upon which the court has
20 issued a finding of probable cause and the respondent was taken into custody or complete an
21 application for initial detention for evaluation and treatment for a period not to exceed ninety-six
22 hours which shall be based upon his own personal observations or investigations and shall contain
23 the information required in subsection 1 of this section.

24 4. If a person presents himself or is presented by others to a mental health facility and a
25 licensed physician, a registered professional nurse or a mental health professional designated by the
26 head of the facility and approved by the department for such purpose has reasonable cause to
27 believe that the person is mentally disordered and presents an imminent likelihood of serious harm
28 to himself or others unless he is accepted for detention, the licensed physician, the mental health
29 professional or the registered professional nurse designated by the facility and approved by the
30 department may complete an application for detention for evaluation and treatment for a period not
31 to exceed ninety-six hours. The application shall be based on his own personal observations or
32 investigation and shall contain the information required in subsection 1 of this section.

33 632.310. 1. Whenever a court has authorized the initial detention and evaluation of a
34 respondent pursuant to subsection 2 of section 632.305, or whenever a mental health coordinator
35 submits an application for initial detention and evaluation pursuant to subsection 3 of section
36 632.305, or whenever a licensed physician, a registered professional nurse designated by the facility
37 and approved by the department, or a mental health professional submits an application for initial
38 detention and evaluation pursuant to subsection 4 of section 632.305, a public mental health facility
39 shall, and a private mental health facility may immediately accept such application and the
40 respondent on a provisional basis, and the facility shall then evaluate the respondent's condition and
41 admit him for treatment or release him in accordance with the provisions of this chapter.

42 2. Whenever a peace officer or EMT-P applies for initial detention and evaluation pursuant
43 to subsection 3 of section 632.305, the mental health facility may, but is not required to, accept the
44 application and the respondent. If the facility accepts the application and the respondent, the facility
45 shall evaluate the respondent's condition and admit him for treatment or release him in accordance
46 with the provisions of this chapter.

47 3. If the respondent is not accepted for admission by a facility providing ninety-six-hour
48 evaluation and treatment, the facility shall immediately furnish transportation, if not otherwise

1 available, to return the respondent to his place of residence or other appropriate place; provided, that
2 in the case of a person transported to the facility by a peace officer or EMT-P or other governmental
3 agency, such peace officer or EMT-P or agency shall furnish or arrange for such transportation.

4 4. The department may require, pursuant to an affiliation agreement and contract with a
5 community-based service certified by the department to serve the catchment area where a
6 respondent whose mental disorder consists of alcohol or drug abuse resides, that the service
7 immediately accept the application and respondent engaging in alcohol or drug abuse on a
8 provisional basis and that the service then evaluate such respondent's condition and admit him for
9 treatment for up to ninety-six hours, petition for further detention and treatment, or release him in
10 accordance with the provisions of chapter 631."; and"; and

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12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.

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15 This Amendment amends Amendment #5721H05.49H